

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**May 26, 2021**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Jose Martinez, Jr.

Case Number: 0980 1:17CR02023-LRS-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward J. Lodge, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge

Date of Original Sentence: February 3, 2003

Original Offense: Ct. 5: Possession with Intent to Distribute Marijuana, 21 U.S.C. § 841(a)(1)  
 Ct. 7: Possession of a Firearm in Relation to a Drug Trafficking Crime,  
 18 U.S.C. § 924(c)(1)(A)  
 Ct. 8: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 211 months      Type of Supervision: Supervised Release  
 TSR - 36 months

Revocation Sentence: Prison - 58 days  
 (12/21/2017)      TSR - 34 months

Revocation Sentence: Prison - 12 months and 1 day  
 (04/16/2020)      TSR - 12 months

Asst. U.S. Attorney: Thomas J. Hanlon      Date Supervision Commenced: November 23, 2020

Defense Attorney: Federal Defenders Office      Date Supervision Expires: November 22, 2021

**PETITIONING THE COURT**

**To issue a warrant** and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 05/07/2021.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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**Standard Condition #2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer as instructed.

**Supporting Evidence:** Mr. Martinez is considered to be in violation of his supervised release conditions by failing to report to his probation officer on May 18, 2021.

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On November 30, 2020, this officer met with Mr. Martinez after he released from custody on November 23, 2020. Mr. Martinez reviewed and signed the judgment and sentence, which outlines the conditions of his term of supervised release.

On May 12, 2021, Mr. Martinez contacted this officer and reported to have a contagious skin infection and he could not report to the probation office. Mr. Martinez was instructed to contact this officer via a video call for a home visit in lieu of having in-person contact due to his health condition.

On May 18, 2021, Mr. Martinez failed to report to this probation officer as instructed.

On May 19, 2021, Mr. Martinez contacted this officer by telephone and stated he had many things going on and lost track of time.

5 **Special Condition #4:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

**Supporting Evidence:** Mr. Martinez is considered to be in violation of his supervised release conditions by failing to follow his recommended substance abuse treatment plan, outpatient substance abuse counseling, by failing to attend group sessions since April 29, 2021.

On November 30, 2020, this officer met with Mr. Martinez after he released from custody on November 23, 2020. Mr. Martinez reviewed and signed the judgment and sentence, which outlines the conditions of his term of supervised release.

On May 26, 2021, this officer spoke with Mr. Martinez' substance abuse counselor at Comprehensive Healthcare in Sunnyside, Washington. His counselor reported Mr. Martinez has been in noncompliance with his outpatient substance abuse treatment plan for the month of May 2021.

His treatment counselor reported that due to Mr. Martinez' drug use during the month of April, Mr. Martinez was switched from telehealth treatment groups to in-person treatment groups. Mr. Martinez attended an in-person group on April 29, 2021, and has missed all of his groups for the month of May 2021.

On May 12, 2021, Mr. Martinez reported a medical condition that excused him from attending in-person groups. However, his counselor made arrangements to have individual counseling sessions with Mr. Martinez over the telephone until Mr. Martinez could provide medical clearance to return to in-person groups. His counselor reported that Mr. Martinez missed both of his scheduled telephone appointments.

On May 20, 2021, his counselor reported Mr. Martinez called him for about 5 minutes to discuss his noncompliance. His treatment provider reported he requested Mr. Martinez to provide the necessary paperwork to allow him to return to in-person groups. Treatment

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provider reported Mr. Martinez has shown no effort to regain compliance with his treatment plan, nor has he made himself available for urinalysis as part of his treatment plan.

As of the date of this petition, Mr. Martinez has made no effort to comply with his substance abuse treatment obligations and is in noncompliance with his recommended treatment plan.

6 **Special Condition #5:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Martinez is considered to be in violation of his supervised release conditions by failing to report to Merit Resource Services (Merit) for urinalysis (UA) testing on May 6, 19, and 25, 2021.

On November 30, 2020, this officer met with Mr. Martinez after he released from custody on November 23, 2020. Mr. Martinez reviewed and signed the judgment and sentence, which outlines the conditions of his term of supervised release.

On November 30, 2020, the substance abuse testing instructions were reviewed with Mr. Martinez. He verbally acknowledged his understanding of the testing program. He was instructed to call the Merit color line system for the color brown. When his color brown was called, he was to report to Merit and submit to a drug screen.

On May 7, 2021, Merit reported Mr. Martinez failed to submit to random UA testing on May 6, 2021.

On May 20, 2021, Merit reported Mr. Martinez failed to submit to random UA testing on May 19, 2021.

On May 26, 2021, Merit reported Mr. Martinez failed to submit to random UA testing on May 25, 2021.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court issue a warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 26, 2021

s/Arturo Santana

Arturo Santana

U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



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Signature of Judicial Officer

May 26, 2021

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Date